

To: Michaud, John[Michaud.John@epa.gov]
From: Ward, W. Robert
Sent: Tue 11/3/2015 12:00:11 AM
Subject: Fwd: SEPW QFRs from Sept. 16, 2015 GKM hearing

W. Robert Ward
Confidential - Privileged

Begin forwarded message:

From: "Russo, Rebecca" <Russo.Rebecca@epa.gov>
Date: October 30, 2015 at 3:18:58 PM MDT
To: "Ostrander, David" <Ostrander.David@epa.gov>, "Stavnes, Sandra" <Stavnes.Sandra@epa.gov>, R8 GKM Leadership Team <R8_GKM_LeadershipTeam@epa.gov>
Cc: "Wharton, Steve" <Wharton.Steve@epa.gov>
Subject: RE: SEPW QFRs from Sept. 16, 2015 GKM hearing

Yes, we do need to respond to all the ones that I previously assigned. The list below does not reflect all of the questions: for examples questions 3 and 4 are not on the list, but assigned to the Region.

HQ needs these responses by TUESDAY 11/4. Thanks!

For ease, here is what I have compiled for assignments:

QUESTIONS FOR DAVID O.

3. According to the March 20, 2013, Removal Site Evaluation for the Red and Bonita Mine, a well was drilled from above the collapsed entrance to test for water pressure. (a) How much did it cost to drill the test well and perform the water pressure test at the Red and Bonita Mine? (b) The September 24, 2014, action memorandum approving funding for a removal action at the Red and Bonita Mine estimates that the removal work at the Red and Bonita Mine site would cost about \$1.7 million. Does that figure include the costs for performing any work at the Gold King Mine site?

4. The August 8, 2015 Summary Report of EPA's Internal Review of the Gold King Mine Blowout states that EPA and its contractors were unable to drill a well at the Gold King Mine site to test water pressure at the collapsed mine entrance because of the time, cost, and site conditions. Please explain how similar site conditions, timing, and cost considerations did not prevent drilling a test well at the Red and Bonita Mine site.

5. The removal action at the Red and Bonita Mine (including the action at the Gold King Mine site) was designated as time-critical. However, investigative work at the site began around 2010, the collapsed mine portal was rebuilt in 2013, and work to install a bulkhead was approved in 2014. Please explain why the Red and Bonita Mine site was designated as "time-critical" when work at the site has been conducted over several years and is ongoing. In your response, please identify applicable statutory requirements, regulations, policies, and guidance documents concerning the factors used to designate a removal as time-critical as opposed to non-time-critical. **(assigned to Steve W. too, not sure who should respond).**

6. In early 2011, the owner of the Gold King Mine, the Mogul Mine, and Part of the Red and Bonita Mine (Todd Hennis, doing business as the San Juan Corp.) apparently withdrew permission for EPA to access the mine sites. In May 2011, EPA issued an order under CERCLA to obtain access to the Red and Bonita, Gold King, and Mogul mines to conduct field investigation, drill holes and install monitoring wells, and take soil and water samples. Please describe what, if any holes were drilled and monitoring wells installed, and water samples taken at the Gold King Mine site pursuant to this order.

7. An Engineering Evaluation/Cost Analysis (EE/CA) is required for non-time-critical removal actions. As the removal action at the Red and Bonita Mine (and the Gold King Mine) was designated as "time-critical," no such EE/CA was required to be conducted. Please describe whether any engineering assessment was performed at the Red and Bonita Mine (and the Gold King Mine) to assess the safety of the work site.

8. In May 2015, Environmental Restoration, LLC (EPA's contractor) developed a work plan for the Gold King mine that stated, in part, "[c]onditions may exist that could result in a blow-out of the blockages and cause a release of large volumes of contaminated mine waters and sediment from inside the mine, which contain concentrated heavy metals." To address the water volume, Environmental Restoration planned to install a pipe (called a "stinger") through the collapsed mine entrance so water could be pumped and treated. Please describe the process used by EPA to evaluate the technical merits and safety of this work plan, including whether any of the EPA personnel who participated in this review (a) were mining engineers and (b) personnel from the Office of Emergency Management participated in reviewing and/or approving the work plan.

10. Please explain why the Health and Safety Plan at page 22 refers to the "Concord Chemical Site" instead of the Red and Bonita Mine or Gold King Mine sites.

11. Although the health and safety plan for the Red and Bonita Mine site stated that a satellite phone would be available for emergency communication purposes, no such device was present at the Gold King Mine site, and workers there were unable to notify the National Response Center or emergency personnel from the blowout location. What are the requirements, policies, and procedures concerning the deployment and use of communication equipment, including satellite phones, for emergency notification purposes by on-scene coordinators and other EPA or contractor staff performing removal actions? **(assigned to Steve W. too, not sure who should respond).**

15. DOI announced on August 20, 2015, that the Bureau of Reclamation would lead its review of the Gold King Mine spill. According to EPA documents and press reports, the Bureau of Reclamation has not cooperated with EPA's efforts to address contaminated mine water and to clean up the California Gulch Superfund Site in Leadville, Colorado. For example, in 2008 Lake County, Colorado, commissioners declared a state of emergency over concerns about the buildup of contaminated mine water at the Bureau of Reclamation's Leadville Mine Drainage Tunnel. (See,

http://www.nytimes.com/2008/02/28/us/28leadville.html?_r=0.) In another example, EPA was forced to revise its remedy to clean up Operable Unit 6 for the California Gulch Superfund Site because Reclamation would not cooperate. (See,

ftp://ftp.epa.gov/r8/calgulch/OU6/RODFeasibilityStudiesRIFS/CG_OU6RODAmdmendmentSep2010.pdf

Please describe the basis for Reclamation's objections and efforts to resolve the disagreements about Reclamation's cleanup responsibility for the California Gulch Superfund Site, including any involvement by the White House. **(assigned to Steve W. too, not sure who should respond).**

17. Were you (Administrator McCarthy) aware of the issues involving the Bureau of Reclamation's Leadville Mine Drainage Tunnel when you decided to request the Department of the Interior to conduct the independent review of the Gold King Mine spill? **(assigned to Steve W. too, not sure who should respond).**

22. Concerns have been raised by downstream water users that they were not given timely notice of the blowout and the potential risks associated with the flow of contaminated water. What steps, if any, did EPA take to ensure that downstream entities, including state, county, local and Tribal governments, water and irrigation districts, and agricultural users, were properly notified of the blowout? In your response, please specify when and how EPA

provided notice to the Navajo Nation and the Southern Ute Nation. (*assigned to Steve W. too, not sure who should respond*).

24. Under CERCLA section 119, EPA may indemnify contractors for damages caused by negligence of a contractor working on a removal action. Did EPA indemnify any of the contractors working at the Gold King Mine site?

QUESTIONS FOR ECEJ:

14. In 2008, the United States and the State of Colorado reached an agreement with Standard Metals, memorialized in a consent decree, resolving claims for reimbursement of response costs incurred (or expected to be incurred) in connection with several sites, including the Sunnyside Mine in Silverton, Colorado. Please summarize the status of this consent decree, including compliance with the terms by Standard Metals regarding payment of any judgment, recovery from any insurance claims, and conveyance of real property. Please also discuss whether the consent decree would prevent the United States from seeking recovery of any response costs from Standard Metals associated with the removal action at the Red and Bonita Mine and Gold King Mine sites.

-

-

QUESTION FOR GWEN CAMPBELL:

16. According to EPA's ECHO database, the Bureau of Reclamation's Leadville Mine Drainage Tunnel has received a notice of significant violation for its Clean Water Act permit. (See, <https://echo.epa.gov/detailed-facility-report?fid=110063915429>.) Please describe the basis for the violation notice and any efforts that have been undertaken to resolve the issue and bring the Reclamation facility into compliance with the Clean Water Act.

-

-

QUESTIONS FOR EPR (Sandy Stavnes and Steve Wharton):

1. Please provide a list of all inactive or abandoned mine sites across the country where EPA has led or overseen non-EPA lead removal or remedial actions between January 2009 and the present date. For each site, please identify: (a) whether the cleanup action was designated as an (i) emergency removal, (ii) time-critical removal, (iii) non-time critical removal; or (iv) remedial action; (b) the date when the contractor mobilized to carry out the removal or remedial action; (c) the lead agency or entity overseeing the cleanup; (d) a summary of the current status of cleanup work at the site including; (e) whether (i) the site has been included on the National Priorities List or (ii) is under consideration for inclusion; (f) whether the site included a collapsed mine portal or adit and, if so, (ii) whether hydrological pressure was tested to determine the risk of a potential blowout and, if so, (iii) how pressure was tested; (g) (i) an estimate of the flow of mine water or acid mine drainage from the site, (ii) whether such water or drainage is or will be treated, and (iii) whether the flow or drainage is subject to a federal or state discharge permit; (h) EPA's costs to date for cleanup; and (i) (i) the name of any contractor performing or assisting with the removal, (ii) the contract number, and (iii) and the amount paid to the contractor to date.

5. The removal action at the Red and Bonita Mine (including the action at the Gold King Mine site) was designated as time-critical. However, investigative work at the site began around 2010, the collapsed mine portal was rebuilt in 2013, and work to install a bulkhead was approved in 2014. Please explain why the Red and Bonita Mine site was designated as "time-critical" when work at the site has been conducted over several years and is ongoing. In your response, please identify applicable statutory requirements, regulations, policies, and guidance documents concerning the factors used to designate a removal as time-critical as opposed to non-time-critical. **(assigned to David O. too. Not sure who should respond).**

11. Although the health and safety plan for the Red and Bonita Mine site stated that a satellite phone would be available for emergency communication purposes, no such device was present at the Gold King Mine site, and workers there were unable to notify the National Response Center or emergency personnel from the blowout location. What are the requirements, policies, and procedures concerning the deployment and use of communication equipment, including satellite phones, for emergency notification purposes by on-scene coordinators and other EPA or contractor staff performing removal actions? **(assigned to David O. too, not sure who should respond).**

15. DOI announced on August 20, 2015, that the Bureau of Reclamation would lead its review of the Gold King Mine spill. According to EPA documents and press reports, the Bureau of Reclamation has not cooperated with EPA's efforts to address contaminated mine water and to clean up the California Gulch Superfund Site in Leadville, Colorado. For

example, in 2008 Lake County, Colorado, commissioners declared a state of emergency over concerns about the buildup of contaminated mine water at the Bureau of Reclamation's Leadville Mine Drainage Tunnel. (See, http://www.nytimes.com/2008/02/28/us/28leadville.html?_r=0.) In another example, EPA was forced to revise its remedy to clean up Operable Unit 6 for the California Gulch Superfund Site because Reclamation would not cooperate. (See, [ftp://ftp.epa.gov/r8/calgulch/OU6/RODFeasibilityStudiesRIFS/CG_OU6RODAmdendmentSep2010.p](ftp://ftp.epa.gov/r8/calgulch/OU6/RODFeasibilityStudiesRIFS/CG_OU6RODAmdendmentSep2010.pdf)) Please describe the basis for Reclamation's objections and efforts to resolve the disagreements about Reclamation's cleanup responsibility for the California Gulch Superfund Site, including any involvement by the White House. **(assigned to David O. too, not sure who should respond).**

17. Were you (Administrator McCarthy) aware of the issues involving the Bureau of Reclamation's Leadville Mine Drainage Tunnel when you decided to request the Department of the Interior to conduct the independent review of the Gold King Mine spill? **(assigned to David O. too, not sure who should respond).**

22. Concerns have been raised by downstream water users that they were not given timely notice of the blowout and the potential risks associated with the flow of contaminated water. What steps, if any, did EPA take to ensure that downstream entities, including state, county, local and Tribal governments, water and irrigation districts, and agricultural users, were properly notified of the blowout? In your response, please specify when and how EPA provided notice to the Navajo Nation and the Southern Ute Nation. **(assigned to David O. too, not sure who should respond).**

Rebecca A. Russo

Region 8 Congressional and Intergovernmental Liaison

Office: 303-312-6757

Cell: 303-204-1930

From: Ostrander, David

Sent: Friday, October 30, 2015 11:41 AM

To: Stavnes, Sandra; R8 GKM Leadership Team

Subject: RE: SEPW QFRs from Sept. 16, 2015 GKM hearing

Sandy, HQ did not assign all the questions. Looking over HQ assignments, I am working on 5 and 11. Rebecca assigned more of the questions. Can someone clarify if we need to respond to the ones Rebecca assigned?

From: Stavnes, Sandra
Sent: Friday, October 30, 2015 11:09 AM
To: R8 GKM Leadership Team
Subject: RE: SEPW QFRs from Sept. 16, 2015 GKM hearing

Does anyone know where we are on developing draft responses to these questions (due today)?

Sandy

Sandra A. Stavnes
Deputy Assistant Regional Administrator
Office of Ecosystems Protection and Remediation (8EPR)
USEPA Region 8
1595 Wynkoop Street
Denver, CO 80202
email: stavnes.sandra@epa.gov
phone: 303-312-6117

From: Stavnes, Sandra
Sent: Monday, October 26, 2015 8:03 AM
To: R8 GKM Leadership Team
Subject: FW: SEPW QFRs from Sept. 16, 2015 GKM hearing

See updated list of questions and offices assigned to respond below.

Sandy

Sandra A. Stavnes

Deputy Assistant Regional Administrator

Office of Ecosystems Protection and Remediation (8EPR)

USEPA Region 8

1595 Wynkoop Street

Denver, CO 80202

email: stavnes.sandra@epa.gov

phone: 303-312-6117

From: Gartner, Lois

Sent: Friday, October 23, 2015 1:16 PM

To: Woolford, James; OSWER SF Reg DDs; Cheatham, Reggie; Mackey, Cyndy; Bertrand, Charlotte; Stalcup, Dana; Rigger, Don; Johnson, Barnes; Sasseville, Sonya; Salyer, Kathleen; Fitz-James, Schatzi; Dreyfus, Melissa G.; Deitz, Randy; Albores, Richard

Cc: Huggins, Richard; Previ, Caroline; Reed, Kristen; Levine, Carolyn

Subject: RE: SEPW QFRs from Sept. 16, 2015 GKM hearing

Questions in attached file-

From: Gartner, Lois

Sent: Friday, October 23, 2015 2:42 PM

To: Woolford, James <Woolford.James@epa.gov>; OSWER SF Reg DDs <OSWER_SF_Reg_DDs@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Rigger, Don <Rigger.Don@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Sasseville, Sonya

<Sasseville.Sonya@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Fitz-James, Schatzi <Fitz-James.Schatzi@epa.gov>; Dreyfus, Melissa G. <Dreyfus.Melissa@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Huggins, Richard <Huggins.Richard@epa.gov>; Previ, Caroline <Previ.Caroline@epa.gov>; Reed, Kristen <Reed.Kristen@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>

Subject: RE: SEPW QFRs from Sept. 16, 2015 GKM hearing

All- Here is OSRTI's crack at further refining assignments. Please note that, in some instances, OSRTI believes questions assigned to OSWER should be directed to (or need input from) another AAsip/office not identified in OCIR's assignments. Question 1 is going to require input from all 10 regions (to the extent each one has relevant sites).

Q1-OSWER OSRTI/OEM + all 10 regional Superfund program offices

Q2- OSWER OSRTI

Q5- R8/OSWER OEM

Q9- OSWER OEM

Q11- R8/OSWER OEM

Q12- OSWER/AO OSWER IO

Q13- OSWER OECA/OSRE; OGC

Q14-R8/OSWER + OSRE

Q15- R8/OSWER +FFEO

Q17- R8/OSWER OSWER IO + AO

Q18- OSWER/OCIR OSWER IO/OEM + AO

Q19- 21- OSWER OEM

Q22- R8/OSWER OEM

Q23- OSWER OEM

Q28- OSWER OSRTI + R8

Q29- OSWER OSWER IO

Q30- OSWER OSRTI

Q31- OSWER OSRTI

Q32- OSWER OSRTI

Q33- ~~OSWER~~ OECA/FFEO

Q34- ~~OSWER~~ OECA/OSRE

Q35—OSWER OEM + OECA/OSRE

Q37- OSWER ORCR/OSRTI + OGC

Q38- Q39- OSWER ORCR

From: Woolford, James

Sent: Friday, October 23, 2015 1:17 PM

To: OSWER SF Reg DDs <OSWER_SF_Reg_DDs@epa.gov>; Gartner, Lois <Gartner.Lois@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Rigger, Don <Rigger.Don@epa.gov>

Subject: FW: SEPW QFRs from Sept. 16, 2015 GKM hearing

You shld be aware. We will likely be doing outreach to regions on some of these.

Jim Woolford, Director
Office of Superfund Remediation & Technology Innovation
US EPA

Sent from my Windows Phone
Please excuse typos

From: [Gartner, Lois](#)

Sent: 10/23/2015 1:08 PM

To: [Stalcup, Dana](#); [Fitz-James, Schatzi](#); [Wells, Suzanne](#); [Zaragoza, Larry](#); [Mahmud, Shahid](#)

Cc: [Woolford, James](#); [Rigger, Don](#)

Subject: FW: SEPW QFRs from Sept. 16, 2015 GKM hearing

Draft responses due to Randy Deitz by 10/30 (next Friday). I've culled out questions that are specifically ours. Should we plan to meet Monday morning to discuss?

Q1-OSWER

Q2- OSWER

Q5- R8/OSWER

Q9- OSWER

Q11- R8/OSWER

Q12- OSWER/AO

Q13- OSWER

Q14-R8/OSWER

Q15- R8/OSWER

Q17- R8/OSWER

Q18- OSWER/OCIR

Q19- 21- OSWER

Q22- R8/OSWER

Q23- OSWER

Q28- Q35- OSWER

Q36- OW

Q37- OSWER/OECA

Q38- Q39- OSWER

From: Deitz, Randy

Sent: Friday, October 23, 2015 10:46 AM

To: Gartner, Lois <Gartner.Lois@epa.gov>

Cc: Dreyfus, Melissa G. <Dreyfus.Melissa@epa.gov>

Subject: Fwd: SEPW QFRs from Sept. 16, 2015 GKM hearing

OCIR has received follow up QFRs from the Administrator's Senate EPW hearing on G K Mine. OCIR assigned the questions to applicable offices (see below). If you recommend a different assignment for a question, please let me know. I need draft responses back to me by next Friday. If that will be a problem please let me know. If some can be turned around quicker than others, I don't mind several rounds of responses. Thank you!

Sent from my iPhone

Begin forwarded message:

From: "Levine, Carolyn" <Levine.Carolyn@epa.gov>
Date: October 21, 2015 at 4:19:34 PM EDT
To: "Card, Joan" <Card.Joan@epa.gov>, "Deitz, Randy" <Deitz.Randy@epa.gov>
Subject: SEPW QFRs from Sept. 16, 2015 GKM hearing

Joan and Randy,

Attached are hearing questions for the record from the September 16, 2015, SEPW hearing. Below is my list of lead offices for responses (Nancy Grantham concurs). I will work with OGC on their assignments. Can you facilitate coordination of OSWER and R8 responses to these questions? Let me know any questions. Thanks, Carolyn

Chairman Inhofe QFRs:

Q1-OSWER

Q2- OSWER

Q3- R8

Q4- R8

Q5- R8/OSWER

Q6- R8
Q7- R8
Q8- R8
Q9- OSWER
Q10- R8
Q11- R8/OSWER
Q12- OSWER/AO
Q13- OSWER
Q14-R8/OSWER
Q15- R8/OSWER
Q16- R8
Q17- R8/OSWER
Q18- OSWER/OCIR
Q19- 21- OSWER
Q22- R8/OSWER
Q23- OSWER
Q24- R8
Q25- 27- OGC
Q28- Q35- OSWER
Q36- OW
Q37- OSWER/OECA
Q38- Q39- OSWER

Carolyn Levine

Office of Congressional and Intergovernmental Relations

U.S. EPA

(202) 564-1859

levine.carolyn@epa.gov